

REMARKS

The Office Action mailed January 4, 2007 considered claims 1-51. Claims 1, 2, 40, 45 were rejected under 35 U.S.C. 103(a) as being unpatentable over Dawson et al. (US 6,230,198) hereinafter *Dawson* in view of Hickey et al. (US 7,065,556) hereinafter *Hickey*. Claims 19-22, 50 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Dawson* in view of *Hickey* as applied to claim 1 above, and further in view of Kougiouris et al. (US 2005/0028171) hereinafter *Kougiouris*. Claims 23-24 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Kougiouris* in view of *Dawson*.¹²

By this amendment claims 1, 3-5, 7, 13, 19, 22, 23, 25, 31, 32, 37, 38, 40-44 and 46-51 have been amended.³ Claims 2 and 45 have been cancelled. Accordingly, claims 1, 3-44 and 46-51 are pending, of which claims 1, 22, 23 and 40 are the only independent claims at issue.

The present invention is generally directed to logging messages during the testing of a software application. For example, claim 1 defines receiving a configuration request, the configuration request indicating a selection of a set of one or more logging software objects

¹ Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

² Other claim rejections include the following: Claims 3, 46 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Dawson* in view of *Hickey* as applied to claim 1 above, and further in view of Elmore et al. (US 2006/0059107). Claims 4, 5, 9, 43, 51 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Dawson* in view of *Hickey* as applied to claim 1 above, and further in view of Austen et al. (US 6,843,870). Claims 6-8, 41-42 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Dawson* in view of *Hickey* as applied to claim 1 above, and further in view of Josyula et al. (US 2004/0028059). Claims 10, 13-14 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Dawson* in view of *Hickey* as applied to claim 1 above, and further in view of Currey et al. (US 6,769,079). Claims 11, 47 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Dawson* in view of *Hickey* as applied to claim 1 above, in view of *Currey* and further in view of Chirashnya et al. (US 6,598,179). Claim 12 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Dawson* in view of *Hickey* as applied to claim 1 above, and in view of *Currey* and further in view of Suwaki (Event Report Management Method). Claim 15-18, 48-49 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Dawson* in view of *Hickey* as applied to claim 1 above, in view of *Currey* and further in view of Murille (US 6,484,196). Claims 25, 28, 29 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Kougiouris* in view of *Dawson* as applied to claim 23 above, and further in view of *Austen*. Claim 26 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Kougiouris* in view of *Dawson* as applied to claim 23 above, in view of *Austen* and further in view of *Suwaki*. Claim 27 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Kougiouris* in view of *Dawson* as applied to claim 23 above, in view of *Austen* and further in view of *Chirashnya*. Claims 30-31 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Kougiouris* in view of *Dawson* as applied to claim 23, and further in view of Mohan (US 5,418,940). Claims 32-39 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Kougiouris* in view of *Dawson* as applied to claim 23, and further in view of *Elmore*. Claim 44 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Dawson* in view of *Hickey* as applied to claim 1 above, in view of *Josyula* and further in view of *Austen*.

³ Support for the amendments to the claims are found throughout the specification and previously presented claims, including but not limited to paragraphs [0037]-[0039], [0041], [0053], [0086] and Figures 2 & 4.

separate from the application being tested that are to be instantiated for logging messages in a format different than the format used by the application being tested, the selection having been dynamically entered by a computer user. Next, claim 1 defines instantiating the set of one or more logging software objects according to the received configuration request. Next, claim 1 defines receiving a request to log a message from the application being tested. Lastly, claim 1 defines publishing the message to the set of one or more logging software objects defined in the configuration request, the publishing comprising creating a trace object in a uniform format that is utilized by the logging software object.

Claims 22 is a computer program product claim corresponding to claim 1. Claim 23 is a system claim similar to claim 1. Claim 40 is a computer program product claim similar to claim 1.

Applicants respectfully submit that the cited art of record does not anticipate or otherwise render the amended claims unpatentable for at least the reason that the cited art does not disclose, suggest, or enable each and every element of these claims.

Dawson describes a method and system for providing server-to-server event logging (Abs.) *Dawson* describes using specialized tags that indicate a source trail thereby avoiding unnecessary duplication of event logs between servers (Col. 2:9-36). Event messages contain an event identifier, pertinent text and a source trail indicating origin. *Hickey* describes a method for logging event data from application programs by registering the log manager device driver with the server and allowing users to download log data from the server (Abs.) *Hickey* provides a persistent connection (rather than a single request, single response connection) that allows for multiple requests and simultaneous downloading (Col. 2:19-26). *Kougiouris* describes a method and system for enabling multiple processes to efficiently log events (par. [0009]). Processes on different computer systems may call a server-side logging component to log events via a client-side logging component instance associated with the process without requiring the logging code to be recompiled (pars. [0008]-[0011]). *Kougiouris* further describes dynamic filtering of events and event types (par. [0060]).

However, neither *Dawson*, *Hickey* nor *Kougiouris* teaches or suggests receiving a configuration request, the configuration request indicating a selection of a set of one or more logging software objects separate from the application being tested that are to be instantiated for logging messages in a format different than the format used by the application being tested, the

selection having been dynamically entered by a computer user, as recited in claim 1. Furthermore, neither *Dawson*, *Hickey* nor *Kougiouris* teaches or suggests publishing the message to the set of one or more logging software objects defined in the configuration request, the publishing comprising creating a trace object in a uniform format that is utilized by the logging software object, as recited in claim 1. At least for either of these reasons, claim 1 patentably defines over the art of record. At least for either of these reasons, claims 22, 23 and 40 also patentably define over the art of record. Since each of the dependent claims depend from one of claims 1, 22, 23 and 40, each of the dependent claims also patentably define over the art of record for at least either of the same reasons.

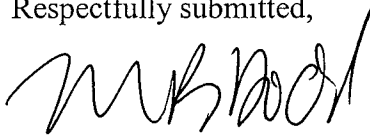
Claims 22 and 40-51 were rejected under 35 U.S.C. § 101 because they recites non-statutory subject matter. Claims 22 and 40-51 has been amended to recite "recordable-type computer-readable media." Applicants submit that claims 22 and 40-51 now satisfies the "useful, concrete, tangible result" requirement and is thus statutory subject matter. Accordingly, Applicants respectfully request that the 35 U.S.C. § 101 rejection of claims 22 and 40-51 be withdrawn.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

Dated this 4th day of April, 2007.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. Nydegger", with a long, sweeping horizontal stroke extending to the right.

RICK D. NYDEGGER
Registration No. 28,651
MICHAEL B. DODD
Registration No. 46,437
Attorneys for Applicant
Customer No. 47973

RDN:MBD:GRL:crb
CRB0000004237V001